



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Offic

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SM

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/325,599 06/03/99 DE. GHELDERE

S F8-5460

EXAMINER

IM22/0814

DENISE M. SEREWICZ
BAXTER INTERNATIONAL INC
ROUTE 120 AND WILSON ROAD
PO BOX 490
ROUND LAKE IL 60073

CINTINS, T

ART UNIT

PAPER NUMBER

17

1724

DATE MAILED:

08/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademark



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 09/325,599 | 06/03/99 | DE GHELDERE et al. | F8-5460 |

| EXAMINER | |
|------------|--------------|
| I. Cintins | |
| ART UNIT | PAPER NUMBER |
| 1724 | 17 |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The communication filed on May 14, 2001 is not deemed to be fully responsive to the Office Action dated January 12, 2001 because this communication fails to comply with the requirements of 37 CFR 1.111(b).

37 CFR 1.111(b) states:

In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

Art Unit: 1724

The Office Action dated January 12, 2001 contains a rejection of claim 5 under 35 U.S.C. § 112, second paragraph, as being indefinite because the term "said markable tabs" (claim 5, line 2) lacks antecedent basis in the claims.

Applicant's communication filed May 14, 2001 fails to address this rejection; and therefore, this communication does not satisfy the requirements of 37 CFR 1.111(b) for reconsideration or further examination.

Since the communication filed August 23, 2000 appears to be *bona fide*, Applicant is given **ONE (1) MONTH OR THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment of the application. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Also, Applicant should note that newly presented claims 12-26 have been renumbered as claims 24-38, respectively, in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented.

Art Unit: 1724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

The fax phone numbers for this art unit are: (703) 305-3599 for "Official" faxes after Final Rejection; (703) 305-7718 for all other "Official" faxes; and (703) 305-3602 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Ivars Cintins
Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
August 12, 2001